



CASE PH/5-31142A

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November 19, 2004
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1616

JUTTA GLOCK

Examiner: QAZI, SABIHA NAIM

APPLICATION NO: 10/070,766

FILED: MAY 31, 2002

FOR: HERBICIDAL COMPOSITION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Claims 1-12 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Tobler et al., Devine et al. and Kruger et al. The Examiner states that the references cited teach the combination of the herbicides and safeners which embraces the presently claimed invention.

The Tobler et al. reference relates to the safening of various herbicides by means of certain safeners. The safeners described in this reference are **different** from those mentioned in the present application with regard to their chemical structure.

The Devine et al. reference mentions safeners which are **different** from those mentioned in the present application with regard to their chemical structure. (The inventively used safeners are "young" safeners, those referred to in Devine are "old" ones.)

The Kruger et al. reference describes herbicides of a chemical structure which are similar to the structure of the inventively used herbicides. (The carbocyclic ring formed by the referential substituents A and B is different from the ring formed by the inventively used substituents R4 and R5, which contains an oxygen atom.) **No safeners** are mentioned in the Kruger et al. reference.